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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,196	10/27/2000	Geng Wu	P1009 (12498RRUS01U)	6611
7590	07/21/2004		EXAMINER	
D Scott Hemingway Storm & Hemingway LLP Preston Commons West Suite 460 8117 Preston Rd Dallas, TX 75225			SAM, PHIRIN	
			ART UNIT	PAPER NUMBER
			2661	
DATE MAILED: 07/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/699,196	WU, GENG	
	<b>Examiner</b>	<b>Art Unit</b>	
	Phirin Sam	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 27 October 2000.  
 2a) This action is **FINAL**.                                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-40 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-40 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 01 December 2000 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)   
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 6.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 3, 5, 6, 10, 11, 15, 17, 19, 20, 27, 29, 31, 32, 36, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al (U.S. Patent 6,751,207).

Lee et al discloses the invention (**claims 1, 15, and 27**) as claimed including a system for communicating to a mobile node in a wireless communications network comprising:

- (a) a base station controller unit coupled to a telecommunications network (see Fig. 1, elements 104 and 112, col. 2, lines 25-38).
- (b) a base transceiver station unit coupled to the base station controller unit by a backhaul connection, the base transceiver station unit capable of communicating with the mobile node on the communications network (see Fig. 1, elements 106 and 104, col. 2, lines 25-38).

(c) wherein the base station controller unit receives a plurality of user information packets each having a data packet for transmission from the base station controller unit (see Fig. 1, element 104, col. 4, lines 36-55) and prepares an adaptation layer information packet from selected data packets in the plurality of user information packets for subsequent tunneling to the base transceiver station unit (see Fig. 1, element 106, col. 4, lines 15-23).

**Regarding claims 3, 10, 17, 29, and 36,** Lee et al discloses method for communicating to a mobile node wherein the selected data packets used in the preparation of the adaptation layer information packet includes data packets that are frequently transmitted from the base station controller unit (see Figs. 3 and 4, col. 4, lines 36-45).

**Regarding claims 5, 6, 19, 20, 31, and 32,** Lee et al discloses the method for communicating to a mobile node, wherein preparing the adaptation layer information packet includes adding a small header to each data packet (see Figs. 3 and 4, col. 4, lines 15-23).

**Regarding claims 11 and 37,** Lee et al discloses the method for communicating to a mobile node, wherein preparing the adaptation layer information packet includes adding an IP header to the adaptation layer information packet (see Fig. 4, col. 3, lines 66-67, and col. 4, lines 1-3).

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4, 7-9, 16, 18, 21, 22, 28, 30, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (U.S. Patent 6,751,207) in view of Sauer et al (U.S. Patent 6,049,543).

**Regarding claims 2, 4, 16, 18, 28, and 30,** Lee et al does not disclose the selected data packets used in the preparation of the adaptation layer information packet include data packets that are smaller in size than the header of the user information packet. However, Sauer et al discloses the selected data packets used in the preparation of the adaptation layer information packet include data packets that are smaller in size than the header of the user information packet (see col. 5, lines 1-11). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the adaptation layer information packet include data packets that are smaller in size teaching by Sauer et al with Lee et al. The motivation for doing so would have been to provide to optimally transfer within the BSC read on col. 2, lines 62-64. Therefore, it would have been obvious to combine Sauer et al and Lee et al to obtain the invention as specified in the claim(s) 2, 4, 16, 18, 28, and 30.

**Regarding claims 7, 21, and 33,** Lee et al discloses the small header including a length indicator value (see Figs. 2 and 4, element HEADER LENGTH, col. 2, lines 60-67, and col. 5, lines 7-21).

**Regarding claims 8, 9, 22, 23, 34, and 35,** Lee et al discloses the small header including an error control value (see Figs. 2 and 4, col. 2, lines 60-67).

5. Claims 12-14, 24-26, and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (U.S. Patent 6,751,207) in view of Willkie et al (U.S. Patent 6,230,012).

**Regarding claims 12-14, 24-26, and 38-40,** Lee et al discloses all the limitations. On the other hand, Lee et al does not disclose deprocessing the adaptation layer information packet after receiving the adaptation layer information packet at a base transceiver station coupled to the base station controller unit. However, Willkie et al discloses deprocessing the adaptation layer information packet after receiving the adaptation layer information packet (see Figs. 4 and 5, col. 10, lines 36-46). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine deprocessing the adaptation layer information packet after receiving the adaptation layer information packet teaching by Willkie et al with Lee et al. The motivation for doing so would have been to provide to put the packet back in original form. Therefore, it would have been obvious to combine Willkie et al and Lee et al to obtain the invention as specified in the claims 12-14, 24-26, and 38-40.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) Meier (U.S. Patent 6,701,361) discloses enhanced mobility and address resolution in a wireless premises based network.

(2) Liu (U.S. Patent 6,396,828) discloses arrangement system and method relating to data network access.

(3) Haumont et al (U.S. Patent 6,233,458) discloses re-routing procedure.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Phirin Sam whose telephone number is (703) 308 - 9294. The Examiner can normally be reached on Monday - Friday from 8:30AM - 4:00PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Douglas W. Olms can be reached at (703) 305 - 4703. The fax number for the organization where this application or proceeding is assigned is (703) 872 - 9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217 - 9197 (toll-free).

Respectfully submitted,

Date: July 9, 2004

  
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Phirin Sam  
Patent Primary Examiner